UNITED STATES PATENT AND TRADEMARK OFFICE

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10/757,609	01/14/2004	Dwayne Nelson	IGT1P213/P000657-001	4809

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Attn: IGT		
P.O. Box 70250	ART UNIT	PAPER NUMBER
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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>28 February 2011</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>6,7,9-24,47-54 and 67-69</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>6, 7, 9-24, 47-54 and 67-69</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
       1. ☐ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   After the amendment filed on 02/28/2011, Claim 6 was amended, As a result

claims 6-7, 9-24, 47-54 and 67-69 are pending.

Election/Restrictions

2.   The traversal, of the restriction based on the original presentation, is on the

ground(s) that based on M.P.E.P 806.05 (c)(I) the inventions have not been show to be

distinct from the invention of claim 6. This is not found persuasive because as

disclosed in M.P.E.P 806.05 (c) (I):

> "Where a combination as claimed does not require the details of the subcombination as
>
> separately claimed and the subcombination has separate utility, the inventions are distinct and
>
> restriction is proper if reasons exist for insisting upon the restriction, i.e., there would be a serious
>
> search burden >if restriction were not required as evidenced by separate classification, status, or
>
> field of search. This situation can be diagramed as combination AB_{br} ("br" is an abbreviation for
>
> "broad"), and subcombination B_{sp} ("sp" is an abbreviation for "specific"). B_{br} indicates that in the
>
> combination the subcombination is broadly recited and that the specific characteristics required
>
> by the subcombination claim B_{sp} are not required by the combination claim. Since claims to both
>
> the subcombination and combination are presented, the omission of details of the claimed
>
> subcombination B_{sp} in the ombination claim AB_{br} is evidence that the combination does not rely
>
> upon the specific limitations of the subcombination for its patentability. If subcombination B_{sp} has
>
> separate utility, the inventions are distinct and restriction is proper if reasons exist for insisting
>
> upon the restriction. In applications claiming plural inventions capable of being viewed as related
>
> in two ways, for example, as both combination-subcombination and also as species under a
>
> claimed genus, both applicable criteria for distinctness must be demonstrated to support a
>
> restriction requirement. See also MPEP § 806.04 (b)."

For example, in the present case the server of claim 6 is not required to "enter a wait state after establishing a communications connection with a casino gaming machine via a communications interface" as required in claims 73 and 74.

The requirement is still deemed proper and is therefore made FINAL.

3.   Claims 73-74 continue to be withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 02/28/2011

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 6-7, 9-13, 15-19, 22-24, 47-54 and 67-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson et al (US 2003/0027639) in view of Walker et al (US 2003/0003988) and Eggleston et al (US 5771353).

Regarding claim 6: a casino gaming network (paragraph [0037]) (Fig. 1); a plurality of casino gaming servers, each casino gaming server configured to provide one or more downloadable casino games to casino gaming machines via said casino gaming network (paragraph [0043]); a casino gaming machine comprising a display unit (14a, Fig. 4), a value input device (paragraph [0021]);

and a controller (paragraph [0023]), wherein said controller is configured to:

establish a communications connection with each casino gaming servers in said

plurality of casino gaming servers (paragraph [0023]; paragraph [0056]), receive

data representing server information regarding each casino gaming server of

said plurality of casino gaming servers (paragraph [0023]; paragraph [0056]),

said data representing server information regarding one or more of said

downloadable casino games which each casino gaming server is configured to

provide (paragraph [0023]; paragraph [0056]), select a selected casino gaming

server from said plurality of casino gaming servers (paragraph [0023]; paragraph

[0056]); transmit a signal to said selected casino gaming server requesting that

one or more of said downloadable casino games be provided by said selected

casino gaming server to said casino gaming machine over said casino gaming

network (paragraph [0023]; paragraph [0056]), download said one or more of

said downloadable casino games from said selected casino gaming server via

said casino gaming network (paragraph [0023]; paragraph [0056]), initiate

execution of one or more of said one or more downloadable casino games after

said one or more downloadable casino games are downloaded (paragraph

[0023]; paragraph [0056]), generate a game display of said one or more of said

one or more downloadable casino games on said display (paragraph [0003];

paragraph [0023]). However, Peterson does not disclose that each casino

gaming server of said plurality of casino gaming servers is configured to

terminate said communications connection with said casino gaming machine if

said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a predetermined wait period. Further, Peterson does not disclose determining a value payout associated with an outcome of said one or more of said one or more downloadable casino games after receiving said one or more of said one or more downloadable casino games from said selected casino gaming server.

Eggleston discloses a server which is configured to terminate a communication connection with a client if a signal is not received by said server within a predetermined wait period (Col. 6, Lines 57-64).

Walker '988 does disclose that the gaming device is programmed to determine a value payout associated with an outcome of said game (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known the timeout feature of Eggleston into the invention of Peterson in order to yield the predictable result of creating a more secure gaming network, thereby protecting the information transmitted across the network, and further it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout, as taught in Walker and, into the gaming device of Peterson in order to yield the predictable result of enticing players to play the game by offering payouts based on an

outcome of the gaming device and by doing so players would want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 7: Peterson, Eggleston and Walker disclose that which is discussed above. However Peterson does not disclose that the display unit comprises a video display unit that is configured to generate video images.

Walker '988 does disclose that the display unit comprises a video display unit that is configured to generate video images (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to utilize a video display as taught by Walker in the gaming device of Peterson in order to yield the predictable result of displaying video images and thereby creating a more appealing game for a player to play.

Regarding claim 9: Peterson, Eggleston and Walker disclose that which is discussed above. However Peterson does not disclose that the display unit comprises at least one mechanical slot machine reel.

Walker '988 does disclose that the display unit comprises at least one mechanical slot machine reel (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to utilize the mechanical slots as disclosed by Walker in the gaming device of Peterson in order to yield the predictable and well known result of creating a mechanical slot machine.

Regarding claims 10 and 50-51: Peterson, Eggleston and Walker disclose that which is discussed above. Peterson further discloses said controller is

configured to generate a display relating to one or more of said plurality of casino

gaming servers on said display unit, receive a selection from a person of one of

said casino gaming servers from among said one or more casino gaming servers

displayed on said display unit, and wherein said controller is configured to select

said selected casino gaming server from said plurality of casino gaming servers

responsive to receiving said selection (Paragraph [0056]).

Regarding claim 11: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses that said controller is further

configured to cause said display unit to generate a display relating to data

representing server information data regarding each casino gaming server of

said plurality of casino gaming servers (Paragraph [0056]).

Regarding claims 12 and 52: Peterson, Eggleston and Walker disclose

that which is discussed above. Peterson further discloses that said controller is

further configured to select said casino gaming server from said plurality of

casino gaming servers based on said data representing server information

regarding each casino gaming server of said plurality of casino gaming servers

(Paragraph [0056]).

Regarding claims 13 and 53: Peterson, Eggleston and Walker disclose

that which is discussed above. Peterson further discloses that said data

representing said server information regarding each casino gaming server of said

plurality of casino gaming servers relates to at least one of the following factors

for each casino gaming server of said plurality of casino gaming servers: data

transfer rate, responsiveness, identification, load, geographic location, network

subnet data, description, available gaming data and gaming data size (Paragraph

[0056]).

Regarding claim 15: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses that said downloadable casino

games relate to at least one of the following games: poker, blackjack, slots, keno

or bingo (Paragraph [0003] & Paragraph [0023]).

Regarding claims 16 and 54: Peterson, Eggleston and Walker disclose

that which is discussed above. Peterson further discloses that said gaming data

relates to at least one of the following: a new game, a software update for a

game (Paragraph [0039]) and configuration data for a game (Paragraph [0019]).

Regarding claim 17: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses that said controller is further

configured to generate said game display from said gaming data (Paragraph

[0019]).

Regarding claim 18: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses a plurality of casino gaming

machines connected to said casino gaming network (paragraph [0023];

paragraph [0037])

Regarding claim 19: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses a master gaming server, wherein

said controller is programmed to communicate with said master gaming server (Paragraph [0037]).

Regarding claim 22: Peterson, Eggleston and Walker disclose that which is discussed above. Peterson further discloses that one or more of said casino gaming machines is a master gaming server (Paragraph [0037]), wherein said master gaming servers is configured to provide a list of said plurality of casino gaming servers to other casino gaming machines (Paragraph [0056]).

Regarding claim 23: Peterson, Eggleston and Walker disclose that which is discussed above. Peterson further discloses that one or more of said plurality of casino gaming machines is a casino gaming server (Paragraph [0037]), wherein said controller of said one or more casino gaming machines is programmed to provide gaming data to other casino gaming machines (Paragraph [0016] & Paragraph [0054]).

Regarding claim 24: Peterson, Eggleston and Walker disclose that which is discussed above. Peterson further discloses that said casino gaming machines are interconnected via the Internet (Paragraph [0040]).

Regarding claim 47: Peterson discloses providing server information data regarding a plurality of servers, the plurality of servers including either the server gaming apparatus and one or more gaming servers and the server information data including comparative data for one or more server parameters of the server (Paragraph [0056]); receiving, by the client gaming apparatus, a selection, made according to the server information data, of a selected server from the plurality of

servers, the selected server comprising the server gaming apparatus or one of

the one or more gaming servers, the selection designating the selected server as

a download source for gaming data for a game not available on said client game

apparatus (Paragraph [0056]); sending a request message to the selected server

requesting the gaming data (Paragraph [0023]); receiving the requested gaming

data over the communications path from the selected server (Paragraph [0023]).

However, Peterson does not disclose the server gaming apparatus is configured

to terminate communication with the client gaming apparatus if the server gaming

apparatus fails to receive the request message within a predetermined wait

period. Further, Peterson does not disclose outputting of an outcome of a game

of chance in accordance with the received gaming data responsive to the

placement of a wager, or issuing a value payout for play of the game of chance.

Eggleston discloses a server which is configured to terminate a

communication connection with a client if a signal is not received by said server

within a predetermined wait period (Col. 6, Lines 57-64).

Walker discloses that responsive to playing of a player wager (Paragraph

[0021]), causing output of an outcome of a game of chance in accordance with

the received gaming data (Paragraph [0047]), and issuing a value payout for play

of the game of chance (Paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time

the invention was made to integrate the well known the timeout feature of

Eggleston into the invention of Peterson in order to yield the predictable result of

creating a more secure gaming network, thereby protecting the information transmitted across the network, and further it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout, as taught in Walker and, into the gaming device of Peterson in order to yield the predictable result of enticing players to play the game by offering payouts based on an outcome of the gaming device and by doing so players would want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 48: Peterson, Eggleston and Walker disclose that which is discussed above. However Peterson does not disclose that the value payout is associated with the outcome of the game of chance.

Walker '988 does disclose that the value payout is associated with the outcome of the game of chance (paragraph [0047]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the well known method of programming a controller to determine a value payout associated with the outcome of a game of chance, as taught in Walker, into the gaming device of Peterson in order to yield the predictable result of determining an award to be provided to players dependent on the outcome and thereby creating a more exciting and appealing game, which would cause players' to want to play the game more often, thereby also increasing revenues for the game owners.

Regarding claim 49: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses receiving the server information

data from a gaming apparatus selected from the group consisting of: the client

apparatus, the server gaming apparatus, and a further gaming apparatus.

Regarding claims 67 and 68: Peterson, Eggleston and Walker disclose

that which is discussed above. Peterson further discloses that data includes a

restriction which comprises availability of said downloadable casino game to said

casino gaming machine and unavailability of said downloadable casino game to

another casino gaming machine (paragraph [0019]).

Regarding claim 69: Peterson, Eggleston and Walker disclose that which

is discussed above. Peterson further discloses that the server information data is

obtained by a master gaming server from said plurality of casino gaming servers

(paragraph [paragraph [0037]]).

6.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson et al (US 2003/0027639) in view of Walker et al (US 2003/0003988) and

Eggleston et al (US 5771353) as applied to claim 6 above, and further in view of Grimm

et al (US 6345297).

Regarding claim 14: Peterson, Eggleston and Walker disclose that which

is discussed above. However Peterson, Walker nor Eggleston disclose that said

controller is further configured to remove a casino gaming server from said

plurality of casino gaming servers as an option for selection based on a threshold

value, said threshold value relating to at least one of the following factors: data

transfer rate, responsiveness, load, geographic proximity, network subnet data,

available gaming data and gaming data size.

Grimm '297 does disclose that said controller is configured to remove a

casino gaming server from said plurality of casino gaming servers as an option

for selection based on a threshold value (Col. 6, Lines 10-43), said threshold

value relating to at least one of the following factors: data transfer rate,

responsiveness, load, geographic proximity, network subnet data, available

gaming data and gaming data size (Col. 3, Lines 1-25).

Therefore it would have been obvious to one skilled in the art at the time

the invention was made to integrate the teachings of Grimm into the combined

teachings of Walker, Eggleston and Peterson in order to yield the predictable

result of creating a more reliable server selection process and therefore a more

reliable game apparatus.

7.   Claims 20-21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Peterson et al (US 2003/0027639) in view of Walker et al (US 2003/0003988) and

Eggleston et al (US 5771353) as applied to claims 6, 18, and 19 above, and further in

view of Crumby (US 6638170).

Regarding claim 20: Peterson, Eggleston and Walker disclose that which

is discussed above. However Peterson, Walker nor Eggleston disclose a network

server, wherein said controller is further configured to provide said network

server with a casino gaming machine identification and data to authenticate said

casino gaming machine identification, receive a network identification from said

network server if said network server accepts said gaming apparatus

identification and said data to authenticate said casino gaming machine

identification, and communicate with said master gaming server using said

network identification.

Crumby '170 does disclose a network server (Col. 2, Lines 15-20),

wherein said controller is programmed to provide said network server with a

gaming apparatus identification and data to authenticate said casino gaming

machine identification, wherein said controller is programmed to receive a

network identification from said network server if said network server accepts

said casino gaming machine identification and said data to authenticate said

casino gaming machine identification (Col. 6, Lines 10-46), and although Crumby

does not disclose communicating with the master gaming server using the

network identification, he does disclose using it to communicate with the network

server and it would have been an obvious modification to do use the same

network identification to communicate with the master server as well in order to

create a more secure gaming network.

Therefore it would have been obvious to one skilled in the art at the time

the invention was made to integrate the teachings of Crumby into the combined

teachings of Walker, Eggleston and Peterson in order to yield the predictable

result of creating a more reliable server selection process and therefore a more

secure gaming network.

Regarding claim 21: Peterson, Eggleston and Walker disclose that which is discussed above. However Peterson, Walker nor Eggleston that said controller is further configured to receive network server authentication data from said network server, determine if said network server authentication data is authentic for said network server, and accept said network identification if said network server authentication data is authentic for said network server.

Crumby '170 does disclose that said controller is programmed to receive network server authentication data from said network server, determine if said network server authentication data is authentic for said network server, and accept said network identification if said network server authentication data is authentic for said network server (Col. 6, Lines 10-46).

Therefore it would have been obvious to one skilled in the art at the time the invention was made to integrate the teachings of Crumby into the combined teachings of Walker, Eggleston and Peterson in order to yield the predictable result of creating a more reliable server selection process and therefore a more secure gaming network.

Response to Arguments

8.   Regarding applicant's arguments that Eggleston does not disclose "casino gaming servers... configured to terminate...communications connection if said signal requesting that one or more of said downloadable casino games be provided is not received by said each casino gaming server within a predetermined wait period." The

Examiner must respectfully disagree. Eggleston discloses a server which is configured

to terminate a communication connection with a client if a signal is not received by said

server within a predetermined wait period (Col. 6, Lines 57-64).

9.   In response to applicant's argument that there is no teaching, suggestion, or

motivation to combine the references, the examiner recognizes that obviousness may

be established by combining or modifying the teachings of the prior art to produce the

claimed invention where there is some teaching, suggestion, or motivation to do so

found either in the references themselves or in the knowledge generally available to one

of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR*

International Co. v. Teleflex, Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case,

it would have been obvious to one skilled in the art at the time the invention was made

to integrate the well known the timeout feature of Eggleston into the invention of

Peterson in order to yield the predictable result of creating a more secure gaming

network, thereby protecting the information transmitted across the network, and further

it would have been obvious to one skilled in the art at the time the invention was made

to integrate the well known method of programming a controller to determine a value

payout, as taught in Walker and, into the gaming device of Peterson in order to yield the

predictable result of enticing players to play the game by offering payouts based on an

outcome of the gaming device and by doing so players would want to play the game

more often, thereby also increasing revenues for the game owners.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571) 270-1350. The examiner can normally be reached on M-Th: 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717

/J. P./
Examiner, Art Unit 3717